

Our Views: Governor Bobby Jindal should sign the Claitor bill, because it's a move toward responsible openness for future governors



Louisiana Gov. Bobby Jindal speaks at the Southern Republican Leadership Conference in Oklahoma City on Friday, May 22, 2015. (AP Photo/Alonzo Adams)

We urge Gov. Bobby Jindal to bow to the will of the Legislature and allow a government transparency bill sponsored by state Sen. Dan Claitor, R-Baton Rouge, to become law. The bill, approved by the Legislature, would limit future governors' ability to shield records about public policy from the people that the governor is supposed to serve. It would take effect only after Jindal leaves office next year.

Claitor's Senate Bill 190 allows a governor — as per the state's long tradition — to debate issues confidentially with the immediate staff of the Governor's Office. But Claitor's bill rolls back a 2009 change by Jindal that introduced the notion of

shielding from public access records that are part of a governor's "deliberative process."

The concept is borrowed from federal law, but it has proven to be an abuse in Louisiana. Legislators and media organizations as well as the Public Affairs Research Council say a "deliberative process" provision has been used to hide documents formerly available to the public. Under Claitor's bill, the governor's communications with his internal office staff would be exempt from immediate disclosure but would be kept for long-term release by the state's archivists. No longer, though, would agencies outside the Governor's Office be able to shield records claiming they are part of the governor's "deliberative process."

The legislation also would remove an exemption that gives executive branch agencies a six-month blackout period on budget documents. In addition, the governor's travel records would be accessible within seven days.

The politics of it? The changes would not go into effect until noon on Jan. 11, 2016, when a new governor takes office.

The deliberative process has been stretched far out of recognition from its more modest roots in federal government practice. The abuses of this exemption have been documented in legislative committees by the Louisiana Press Association. We don't believe any special deliberative process for governors is warranted; other chief executives in government, such as mayors and parish presidents, get along just fine without it. Claitor's bill doesn't go as far as we'd like in opening the work of the Governor's Office to public view, but it's a step in the right direction.

The cause of government transparency is much more than a press issue.

Public records and public meetings laws empower any citizen to gain access to the actions of government, in time to participate in policy formulation as well as to be informed of its consequences. That is a fundamental necessity in a healthy democracy. In Louisiana, where government power has sometimes been abused, the protection of the public through transparency laws is perhaps more urgent than elsewhere.

We hope the governor allows the Claitor bill to become law. It's a step toward a responsible level of openness in public life in Louisiana.

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